

THE REMARKS

Claims 1-10, 15-18, and 22 were pending prior to entering the amendments.

The Amendments

Claims 1, 8 and 10 have been amended. Claims 18 and 22 have been canceled. Support for these amendments is found in the Specification as follows:

Claim 1 - pg. 5, ln 19-23 and pg. 6, ln 1-9; pg. 7, ln 9-24, Fig. 2b, 3b and 4b.

Claim 8 – Claim amended per Examiner's instructions for Allowable Subject Matter.

Claim 10 – Claim amended to correct a formality.

No new matter is introduced in any of the above amendments. The Examiner is requested to enter the amendment and re-consider the application.

Telephone Interview with the Examiner

The Applicant thanks the Examiner for the telephone interview conducted on November 2, 2009. During that interview, the Examiner and the Applicant reviewed and discussed the Applicant's proposed amendments for claim 1 and claim 8. Relative to claim 1, the Examiner suggested some alternative language for the first paragraph of the amended portion of the claim. With that alternative language, the Examiner, subject to his review, was positive concerning the allowability of the claim.

Relative to claim 8, the Examiner asked that the omitted language, "recharacterized in that" be added back to the amended claim. With that action the claim should be allowable.

Claim 1 and claim 8 have been amended per the Examiner's remarks.

Objections to the Drawings

Claim 22 has been canceled.

35 U.S.C. § 112, Second Paragraph, Rejection

Claims 1-10, 13-18 and 22 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, claim 1 has been amended to conform to 35 U.S.C. § 112, second paragraph.

35 U.S.C. § 102(b) Rejection

Claims 1-4 and 16-18 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Chase (3,414,268).

In response, independent claim 1 has been amended to incorporate the limitation,

a plurality of sets of prong members (40), having various longitudinal lengths, and a set of prong members (40) is selected based on the length of a desired golf shot,
wherein the length of the desired golf shot is selected from the group of
first length, second length and third length, wherein the first length is greater
than the second length and the third length, and the second length is greater than
the third length,

wherein the prong members (40) have either a first longitudinal length, a
second longitudinal length, or a third longitudinal length, wherein the first
longitudinal length is longer than the second or third longitudinal length, and
wherein the second longitudinal length is longer than the third longitudinal
length,

wherein the prong members (40) with the first longitudinal length are
desired to play a golf shot with the first length, and the prong members (40) with
the second longitudinal length are desired to play a golf shot with the second
length, and the prong members (40) with the third longitudinal length are desired
to play a golf shot with the third length,

As disclosed in the Specification, “The longitudinal length of the plurality of prong members 40 may vary from one golf tee 10 to another golf tee 10 to suit particular intended golf strokes.” (Pg.5, lines 19-20). The Specification further describes that if a long golf shot is desired then the longitudinal length of the prong members 40 would be longer than if a short golf shot is desired. For the short golf shot, the longitudinal length of the prong members 40 would be short compared with the longitudinal length of the prong members 40 intended for a long golf shot. The Specification illustrates in Fig. 2C, 3C and 4C varying longitudinal lengths for the prong members 40.

However, Chase does not disclose that the longitudinal length of its plurality of petal shaped elements (i.e.upright prong members) (17) may vary with the intended golf shot. Nor does Chase describe a modification to a golf tee in order to achieve a shorter or longer distance golf shot. Accordingly, the Applicant respectfully asserts that amended claim 1 and its dependent claims are not anticipated by Chase.

Claim 18 has been canceled.

35 U.S.C. § 103(a) Rejections

Claims 5 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chase (3,414,268) in view of Morabeto (4,645,208).

Claims 5 and 7 are directly or indirectly dependent upon amended claim 1. Relative to claim 1, neither Chase nor Morabeto disclose that the longitudinal length of their upright prong members may vary with the intended golf shot. Nor do they describe a modification to a golf tee in order to achieve a shorter or longer distance golf shot. The Applicant respectfully asserts that amended claim 1 is non-obvious over Chase in view of Morabeto. Accordingly the Applicant respectfully asserts that claims 5 and 7 are non-obvious at least based on a non-obvious base claim.

Claim 6 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chase (3,414,268) in view of Liu (U.S. 2004/0018896).

Claim 6 is dependent upon amended claim 1. Relative to claim 1, neither Chase nor Liu disclose that the longitudinal length of their upright prong members may vary with the intended golf shot. Nor do they describe a modification to a golf tee in order to achieve a shorter or longer distance golf shot. The Applicant respectfully asserts that amended claim 1 is non-obvious over Chase in view of Liu. Accordingly the Applicant respectfully asserts that claim 6 is non-obvious at least based on a non-obvious base claim.

Claim 13 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chase (3,414,268).

Claim 13 is dependent upon amended claim 1. Relative to claim 1, Chase does not disclose that the longitudinal length of their upright prong members may vary with the intended golf shot. Nor does Chase describe a modification to a golf tee in order to achieve a shorter or longer distance golf shot. The Applicant respectfully asserts that amended claim 1 is non-obvious over Chase. Accordingly the Applicant respectfully asserts that claim 13 is non-obvious at least based on a non-obvious base claim.

Claim 22 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chase (3,414,268) in view of Morabeto (4,645,208) and Wang (D415,806).

Claim 22 is canceled.

Claims 1-5, 7, 13 and 16-18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morabeto (4,645,208) in view of Nial et al. (1,551,207).

Independent claim 1 is amended as previously described.

Neither Morabeto nor Nial disclose that the longitudinal length of their upright prong members may vary with the intended golf shot. Nor do they describe a modification to a golf tee in order to achieve a shorter or longer distance golf shot. Accordingly, the Applicant respectfully asserts that amended claim 1 and its dependent claims are non-obvious over Morabeto in view of Nial.

Claim 18 is canceled.

Claim 6 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morabeto (4,645,208) in view of Nial et al. (1,551,207) and Liu (US 2004/0018896).

Claim 6 is dependent upon amended claim 1. Relative to claim 1, neither Morabeto nor Nial et al. nor Liu disclose that the longitudinal length of their upright prong members may vary with the intended golf shot. Nor do they describe a modification to a golf tee in order to achieve a shorter or longer distance golf shot. The Applicant respectfully asserts that amended claim 1 is non-obvious over Morabeto in view of Nial et al. in view of Liu. Accordingly the Applicant respectfully asserts that claim 6 is non-obvious at least based on a non-obvious base claim.

Claims 14 and 15 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morabeto (4,645,208) in view of Nial et al. (1,551,207) and Haggarty (6,110,059).

Claims 14 and 15 are directly or indirectly dependent upon amended claim 1. Relative to claim 1, neither Morabeto nor Nial et al. nor Haggarty disclose that the longitudinal length of their upright prong members may vary with the intended golf shot. Nor do they describe a modification to a golf tee in order to achieve a shorter or longer distance golf shot. The Applicant respectfully asserts that amended claim 1 is non-obvious over Morabeto in view of Nial et al. in view of Haggarty. Accordingly the Applicant respectfully asserts that claims 14 and 15 are non-obvious at least based on a non-obvious base claim.

Claim 22 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morabeto (4,645,208) in view of Nial (1,551,207) and Wang (D415,806).

Claim 22 is canceled.

Allowable Subject Matter

Claims 8-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

Claim 8 has been appropriately amended. Claim 10 has been amended to correct a formality.

CONCLUSION

Applicants believe that the application is now in good and proper condition for allowance. Early notification of allowance is earnestly solicited.

Respectfully submitted,

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